

**UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

UNITED STATES OF AMERICA,

Plaintiff

V.

THE BOEING COMPANY,

*Defendant.*

Case No. 4:21-cr-00005-O-1

**NOTICE BY NAOISE CONNOLLY RYAN, ET AL. OF INTENT TO EXERCISE CVRA  
RIGHT TO BE HEARD IN OPPOSITION TO PROPOSED DISMISSAL AND  
REQUESTING TIME TO CONFER ON A BRIEFING SCHEDULE**

Naoise Connolly Ryan et al.<sup>1</sup> (the “victims’ families” or “families”), through undersigned counsel, file this notice regarding the Government’s status report indicating that it intends to file a motion to dismiss the pending charges under Federal Rule of Criminal Procedure 48(a) (ECF No. 309). The victims’ families intend to exercise their Crime Victims’ Rights Act (CVRA) rights to be heard in opposition to the proposed plea dismissal. *See In re Ryan et al.*, 88 F.4th 614, 627 (5th Cir. 2023) (holding in this case that, if a motion to dismiss is filed, “courts retain adjudicatory responsibility, including an obligation to apply the CVRA. Public perception and confidence in the criminal justice system assume that when criminal charges are submitted for judicial resolution, the courts vigilantly will enforce the public interest, including Congress’ command that crime victims are heard and protected”). The families intend to argue that the Court should deny the

<sup>1</sup> In addition to Ms. Ryan, the other victims' family members filing this motion are Emily Chelangat Babu and Joshua Mwazo Babu, Catherine Berthet, Huguette Debets, Luca Dieci, Bayihe Demissie, Sri Hartati, Zipporah Kuria, Javier de Luis, Nadia Milleron and Michael Stumo, Chris Moore, Paul Njoroge, Yuke Meiske Pelealu, John Karanja Quindos, Guy Daud Iskandar Zen S., and others similarly situated.

motion to dismiss, as it is authorized to do under Fed. R. Crim. P. 48(a). *See id.* at 627 (citing *United States v. Hamm*, 659 F.2d 624, 629 (5th Cir. Unit A Oct. 1981) (en banc) (reiterating Supreme Court and prior Fifth Circuit precedent that district judges are empowered to deny dismissal when “clearly contrary to manifest public interest” as assessed “at the time of the decision to dismiss”).

The families intend to argue that the dismissal unfairly makes concessions to Boeing that other criminal defendants would never receive and fails to hold Boeing accountable for the deaths of 346 persons. *Cf.* ECF No. 185 (“Boeing’s crime may properly be considered the deadliest corporate crime in U.S. history”). As a result, the motion to dismiss rests on pretextual and offensive premises.

The Government’s status report indicates that they intend to file its motion to dismiss no later than May 30, 2025. It is apparent from the Government’s status report that, of the 346 victims’ families, the large majority have **not** expressed they “support the Agreement specifically, support the Department’s efforts to resolve the case pre-trial more generally, or do not oppose the Agreement.” (*See* ECF No. 309 at 3). It will expedite the families’ ability to be heard on the reasons the Court should reject the dismissal and will avoid duplicative briefing and statements if they are able to coordinate with other victims or their counsel to the extent possible. After reviewing the Government’s motion as well as the proposed agreement when it is filed, the families ask that their counsel have an opportunity to confer with other counsel in the case and the Government by June 6, 2025 about proposing to the Court a mutually agreeable briefing schedule.

Dated: May 23, 2025

Respectfully submitted,

/s/ Darren P. Nicholson

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**CERTIFICATE OF SERVICE**

I certify that on May 23, 2025, the foregoing document was served on the parties to the proceedings via the Court's CM/ECF filing system.

/s/ Darren P. Nicholson

Darren P. Nicholson